

TITLE 16
INTERNATIONAL CODES

Chapters:

16-1	International Building Code
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16-4	International Plumbing Code
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**CHAPTER 16-1
INTERNATIONAL BUILDING CODE**

Sections:

- 16-1-101. Adoption of International Building Code.
- 16-1-102. Amendments to International Building Code.
- 16-1-103. Definitions.

16-1-101. ADOPTION OF INTERNATIONAL BUILDING CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of the buildings and structures and certain equipment within the City, the entire 2003 edition of the International Building Code, as promulgated by the International Code Council, including any amendments that have been or may be made by the State of Utah through the Utah Uniform Building Codes Commission, is hereby adopted with such deletions, modifications, exceptions, and other amendments as set forth in Section 16-1-102. The International Building Code, as adopted above, is hereby fully incorporated as if set herein in its entirety, with the amendments as set forth in Section 16-1-102, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the International Building Code have been filed for use and examination by the public in the City Recorder's Office.

(Ord. No. 92-09 Amended 02/21/92; Ord. No. 95-02 Amended 02/14/95; Ord. No. 97-72 Amended 01/01/98; Ord. No. 02-13 Amended 02/05/2002; Ord. No. 04-06 Amended 01/20/2004;)

16-1-102. AMENDMENTS TO INTERNATIONAL BUILDING CODE.

(1) Pursuant to 108.6 of *the International Building Code*, West Valley City's policy for refunds of permit fees is as follows:

- (a) The Chief Building Official may authorize refunding of any fee hereunder which was erroneously paid or collected.
- (b) The Chief Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit, for which a plan review fee has been paid, is withdrawn or canceled before any plan reviewing is done.
- (c) The chief building official shall not authorize refunding of any fee paid except upon receipt of a written application filed by the original permittee not later than 180 days after the date of fee payment.

(Ord. No. 02-13 Amended 02/05/2002)

16-1-103. DEFINITIONS.

(1) Whenever the word **Jurisdiction** is used in the International Building Code, it shall mean West Valley City, Utah.

(2) Whenever the words **Code Enforcement Agency** are used in the International Building Code, they shall mean the Building Inspection Division of the West Valley City Community and Economic Development Department.

(Ord. No. 97-72 Amended 01/01/98; Ord. No. 02-13 Added 02/05/2002)

**CHAPTER 16-2
INTERNATIONAL MECHANICAL CODE**

Sections:

- 16-2-101. Adoption of International Mechanical Code.
16-2-102. Definitions.

16-2-101. ADOPTION OF INTERNATIONAL MECHANICAL CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances with the City, the entire 2003 edition of the International Mechanical Code, including any amendments that have been or may be made by the State of Utah through the Utah Uniform Building Codes Commission, is hereby adopted as promulgated by the International Code Council. The International Mechanical Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the International Mechanical Code have been filed for use and examination by the public in the City Recorder's Office.

(Ord. No. 92-09 Amended 02/21/1992; Ord. No. 95-02 Amended 02/14/1995; Ord. No. 97-72 Amended 01/01/1998; Ord. No. 02-13 Amended 02/05/2002; Ord. No. 04-09 Amended 01/20/2004)

16-2-102. DEFINITIONS.

Whenever the word **Jurisdiction** is used in the International Mechanical Code, it shall mean West Valley City, Utah.

(Ord. No. 02-13 Amended 02/05/2002)

**CHAPTER 16-3
UNIFORM CODE FOR THE ABATEMENT OF
DANGEROUS BUILDINGS**

Sections:

- 16-3-101. Adoption of the Uniform Code for the
Abatement of Dangerous Buildings.
16-3-102. Definitions.
16-3-103. Code Construed in Light of State Statutes.

**16-3-101. ADOPTION OF THE UNIFORM CODE
FOR THE ABATEMENT OF
DANGEROUS BUILDINGS.**

(1) For the purpose of providing a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the Uniform Building code or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished, the entire 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings is hereby adopted as promulgated by International Conference of Building Officials. The Uniform Code for the Abatement of Dangerous Buildings is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the Uniform Code for the Abatement of Dangerous Buildings have been filed for use and examination by the public in the City Recorder's Office prior to its adoption and, thereafter, at least one copy shall be in the City Recorder's Office at all times.

(Ord. No. 97-72 Amended 01/01/1998)

16-3-102. DEFINITIONS.

Whenever the word **Jurisdiction** is used in the Uniform Code for the Abatement of Dangerous Buildings, it shall mean West Valley City, Utah.

**16-3-103. CODE CONSTRUED IN LIGHT OF
STATE STATUTES.**

(1) The Uniform Code for the Abatement of Dangerous Buildings shall be construed so as to give effect to the statutes of the State of Utah which authorize cities to abate dangerous buildings and shall not be construed as to require the City to follow a more restrictive procedure than that set forth in state statute.

(2) The City may attach the costs of abating a dangerous building pursuant to this Code to the property taxes as provided by state statute.

**CHAPTER 16-4
INTERNATIONAL PLUMBING CODE**

Sections:

- 16-4-101. Adoption of the International Plumbing Code.
 - 16-4-102. Definition.
 - 16-4-103. Inspection and Approval of Certain Plumbing Systems.
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16-4-101. ADOPTION OF THE INTERNATIONAL PLUMBING CODE.

(1) For the purpose of providing minimum requirements and standards for the protection of the public health, safety and welfare by regulation the erection, installation, alteration, addition, repair, relocation, replacement, and maintenance or use of any plumbing system, the entire 2003 edition of the International Plumbing Code, including any amendments that have been or may be made by the State of Utah through the Utah Uniform Building Codes Commission, is hereby adopted as promulgated by the International Code Council. The International Plumbing Code is hereby fully incorporated, as adopted above, as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the International Plumbing Code have been filed for use and examination by the public in the City Recorder's Office.

(Ord. No. 92-09 Amended 02/21/1992; Ord. No. 97-72 Amended 01/01/1998; Ord. No. 02-13 Amended 02/05/2002; Ord. No. 04-11 Amended 01/20/2004)

16-4-102. DEFINITION.

Whenever the words **Administrative Authority** are used in the International Plumbing Code, they shall mean the Building Inspection Division of the West Valley City Community and Economic Development Department.

(Ord. No. 97-72 Amended 01/01/1998; Ord. No. 02-13 Amended 02/05/2002)

16-4-103. INSPECTION AND APPROVAL OF CERTAIN PLUMBING SYSTEMS.

(1) For the purpose of this Chapter, any portion of a plumbing system defined in the International Plumbing Code as the building sewer or water service pipe shall be inspected and approved by the City, or at the City's discretion, by the local sewer and water improvement district servicing the property, prior to issuance of a final occupancy permit.

(Ord. No. 03-09 Added 02/11/2003)

**CHAPTER 16-5
THE NATIONAL ELECTRICAL CODE**

Sections:

16-5-101. Adoption of the National Electrical Code.
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**16-5-101. ADOPTION OF THE NATIONAL
ELECTRICAL CODE.**

(1) For the purpose of safeguarding persons and property from hazards arising from the use of electricity, the entire 2002 edition of the National Electrical Code is hereby adopted as promulgated by the National Fire Protection Association, including any amendments that have been or may be made by the State of Utah through the Utah Uniform Building Codes Commission. The National Electrical Code, as adopted above, is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the National Electrical Code have been filed for use and examination by the public in the City Recorder's Office prior to its adoption and, thereafter, at least one copy shall be in the City Recorder's Office at all times.

(Ord. 04-05, Amended, 01/20/2004; Ord. 02-13, Amended, 02/05/2002; Ord. No. 90-19, Amended, 05/15/90; Ord. No. 93-58, Amended, 09/29/93)

CHAPTER 16-6 INTERNATIONAL FIRE CODE

Sections:

- 16-6-101. Adoption of International Fire Code.
- 16-6-102. Definitions.
- 16-6-103. Amendments Made to the International Fire Code.
- 16-6-104. Fire/Hazardous Materials Emergency Expense Recovery.
- 16-6-105. Gates / Fire Access.

16-6-101. ADOPTION OF INTERNATIONAL FIRE CODE.

(1) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the entire 2000 edition of the International Fire Code ("IFC"), including the International Fire Code Standards, is hereby adopted as recommended by the International Code Council and the International Conference of Building Officials, including Appendices A-G thereof, with such deletions, modifications, exceptions, and amendments as set forth below. The IFC, as adopted above, is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the Code have been filed for use and examination by the public in the office of the City Recorder prior to the adoption of this Ordinance.

(Ord. No. 91-32 Amended 01/01/1992; Ord. No. 95-17 Amended 04/07/1995; Ord. No. 02-22 Amended 04/02/2002)

16-6-102. DEFINITIONS.

(1) Wherever the word **Jurisdiction** is used in the International Fire Code, it shall be held to mean West Valley City, Utah.

(2) Wherever the words **Bureau or Department of Fire Prevention** are used, they shall be held to mean the Fire Prevention Division of the West Valley City Fire Department.

(3) **Intentionally Caused Fire/Hazardous Materials Emergency** means a fire/hazardous materials deliberately or recklessly set or caused by any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.

(4) **Negligently Caused Fire/Hazardous Materials Emergency** means a fire/hazardous materials caused by the negligence of any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.

(5) **Hazardous Materials** are those chemicals or substances which are physical hazards or health hazards as defined and classified in Chapter 27 of the International Fire Code, whether the materials are in usable or waste condition.

(6) **Hazardous Materials Emergency** means a sudden and unexpected release of any substance that because of its quantity, concentration or physical, chemical or infectious characteristics presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

(7) **Expenses** means the actual labor costs of government and volunteer personnel including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal, the cost of any contract labor, equipment or materials, and the similar costs incurred by West Valley City or any assisting agencies.

(8) **Person**, for the purposes of this Chapter, shall mean a natural person, heirs, executors, administrators or assigns and also include a firm, partnership or corporation or its successors or assigns or the agent of the person.

(Ord. No. 91-32 Amended 01/01/1992; Ord. No. 93-15 Amended 03/19/1993; Ord. No. 02-22 Amended 04/02/2002)

16-6-103. AMENDMENTS MADE TO THE INTERNATIONAL FIRE CODE.

The International Fire Code is amended and changed in the following respects:

(1) **Section 501.3.1 Construction documents corrected** is amended by adding the following: Construction documents for fire apparatus access, location of fire lanes, construction documents of structures and hydraulic calculations for fire suppression systems which have been reviewed, corrected and issued shall be followed. A set of stamped documents shall be at the job site during construction.

(2) **Section 503.1.1 Building and facilities** is amended to read as follows: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed, occupied, or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the facility.

Approved fire apparatus access roads shall be a driving surface designed and maintained to support the imposed loads of fire apparatus, as approved by the City Engineer.

(3) **Section 503.4 Obstruction of fire apparatus access roads** is amended by adding sections 503.4.1, 503.4.2, 503.4.3, 503.4.4, and 503.4.5 as follows:

503.4.1 Owner or lessee of land. No owner or lessee of the land, or proprietor, partner, officer, director, manager, or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause activity, practice, or condition to occur or exist, or continue to exist, upon said land which lessens, obstructs, or impairs the access required to be maintained by this code.

503.4.2 Prohibited vehicle parking. If in the judgment of the Fire Chief, it is necessary to prohibit vehicle parking along private access ways in order to keep them clear and unobstructed, he may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice to the effect that parking is prohibited by the Fire Department. It shall thereafter be unlawful for such owner, lessee, or other person in charge to fail to install and maintain in good condition the form of notice prescribed. When such areas are marked or signed as provided herein, no person shall park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign.

503.4.3 Vehicle stopped, standing parked or unattended. Any vehicle stopped, standing, parked, or unattended so as to obstruct any fire apparatus access road or posted fire lane is hereby declared to be a nuisance. Any vehicle declared to be a nuisance by the provisions of this ordinance may be summarily abated by removing such vehicle under direction or at the request of the Fire Chief, Fire Marshal, or a police officer of the City to a place of storage within the City by means of towing or otherwise.

503.4.4 Vehicle to be impounded. Any police officer who has caused a vehicle to be impounded pursuant to this ordinance shall immediately send a written report of such removal to the State Tax Commission, Motor Vehicle Division, which report shall include a description of the vehicle; date, time, and place of removal; the grounds for removal; and the name of the garage or place where the vehicle is stored. Upon receipt of a report as provided, the State Tax Commission, Motor Vehicle Division, shall attempt to notify the registered owner of the vehicle or any lien holder, giving the grounds for removal and the name of the garage or place where the vehicle is stored. If the vehicle is not registered in the State, the State Tax Commission, Motor Vehicle Division, shall make reasonable effort to notify the registered owner or lien holder of the removal and the location of the vehicle. The State Tax Commission, Motor Vehicle Division, shall forward a copy of the notice to the owner, or person in charge of the garage or place where the vehicle is stored.

503.4.5 Vehicle not reclaimed. If the vehicle is not reclaimed by the registered owner, or any lien holder within 30 days after actual notice or reasonable attempt to give notice to the registered owner or any lien holder, the vehicle may be sold as provided by State law.

(4) **Section 505.1.1 Construction identification** is added to read as follows: An approved sign shall be posted on all buildings with a heavy weight roof system. The sign shall be a reflective letter "H" six inches in height and $\frac{3}{4}$ of one inch in width. This sign shall be installed no farther than four inches from the main door and between four and five feet from the bottom of the door, as approved by the Division of Fire Prevention.

(5) **Section 508 Fire Protection Water Supplies** is amended by adding sections 508.2.1.1, 508.2.1.2, 508.2.1.3, 508.2.1.4 and 508.3.1 as follows:

508.2.1.1 Water main diameter for fire hydrants and supply. Water mains shall not be smaller than eight inches inside diameter.

508.2.1.2 Lateral water pipe size for suppression systems. Lateral water supply piping for fire suppression systems shall be hydraulically calculated for size but not smaller than six inches inside diameter.

508.2.1.3 Water mains serving special occupancies. Water mains serving fire suppression system for a high rise structure, assembly structure, institutional structure, or a structure housing hazardous materials shall not be served by a dead end water main.

508.2.1.4 Dead end water mains. Dead end water mains of eight inches inside diameter shall not be longer than 250 feet and may serve a maximum of two fire hydrants in residential areas.

508.3.1 Additional fire flow requirements for fire protection systems. A reduction in required fire flow of fifty percent may be given upon approval of the Fire Marshal when the resulting fire flow for outside hose stream is not less than 1,500 gallons per minute (5677.5 L/min.), for a duration of not less than 2 hours.

(6) **Section 508 Fire hydrant systems** is amended by rewriting section 508.5.1 and adding sections 508.5.7, 508.5.8, 508.5.8.1, 508.5.8.2 508.5.9 and 508.5.10 as follows:

508.5.1 Where required is amended to read as follows: When a portion of a facility or building hereafter constructed, occupied, or within the jurisdiction is more than 250 feet from a fire hydrant adjacent to a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants may be required by the Division of Fire Prevention.

508.5.7 Fire Department Connection. When a structure is equipped with a water suppression system, an approved fire hydrant shall be installed within 100 feet of the fire department connection.

508.5.8 Fire hydrants installation height. Fire hydrants shall be installed so that the center line of the lowest cap is not closer than 18 inches from the ground.

508.5.8.1 Fire hydrants installation to the curb. The distance from the curb to the center line of the operating stem shall not be greater than 15 feet.

508.5.8.2 Fire hydrants installation from a structure. Fire hydrants shall not be installed closer than 30 feet from any structure.

508.5.9 Type of fire hydrant. Fire hydrants shall be a minimum of six inch dry barrel type, equipped with a control valve and drain valve at the base. An independent control valve shall be installed between the fire hydrant and the water main supply. The outlet ports shall be equipped with male, national standard thread (NST), and sized in the following manner: one 4 ½ inch and two 2 ½ inch.

508.5.10 Fire hydrants on major thoroughfares. Streets, boulevards, and highways, which are comprised of four or more travel lanes shall have fire hydrants placed every 500 feet, on alternating sides of the street, boulevard or highway.

508.5.11 Fire hydrants on berms. Berm hydrant installations shall have a hydrant clearance of not less than three (3) feet from end of hydrant cap and shall be surrounded by an engineered retaining wall of cement or block materials.

(7) **Section 903.1.2 Residential systems** is amended by rewriting this section as follows: Unless specifically allowed by this code, residential sprinkler systems installed in accordance with National Fire Protection Association (NFPA) 13R shall not be recognized for the purposes of exceptions described in this section.

(8) **Section 903.2.7 Group R-1, Section 903.2.8 Group R-2, Section 903.2.9 Group R-4 and section 903.2.11 Group S-2,** are amended by deleting their exceptions.

(9) **Section 903.3.1.1 NFPA 13 sprinkler systems** is amended to read as follows: Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in sections 903.3.1.1.1 and 903.3.1.3.

(10) **Section 903.3.1.1.1 Exempt locations** is amended to read as follows: Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected by an approved fire extinguishing system that is not adverse when applied to the rooms contents, and approved fire detection system in accordance with section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction, or contains electrical equipment.

(11) **Section 903.3.1.2** has been amended to read as follows:

903.3.1.2 In structures provided with a particle sprinkler system. When a structure is provided with an approved sprinkler system as required in section 903.3.1.1, the exits shall be protected in the same manner until the exit discharge.

(12) **Section 906.11 Prohibited types of fire extinguishers** is added to read as follows: Vaporizing liquid extinguishers containing carbon tetrachloride or chlorobromoethane shall not be installed or used in any location for fire protection use.

(13) **Section 906.12 Sale of defective fire extinguishers** is added to read as follows: Fire extinguishers which are not approved, are damaged, or are not in proper working order, or the contents of which do not meet the requirements of this code, shall not be sold or traded.

(14) **Section 907.6 Wiring** is amended by adding the following at the end of the section: Class “A” wiring for initiating and alarm signal devices shall be used.

(15) **Section 1005.3.2.4 Stairway floor numbering signs** is amended by adding sections 1005.3.2.4.1 through 1005.3.2.4.6 as follows:

1005.3.2.4.1 Sign details, size. Signs shall be a minimum 12 inches (305 mm) by 12 inches (305 mm).

1005.3.2.4.2 Sign details, stairway location. The stairway location, such as STAIR 1 or WEST STAIR, shall

be placed at the top of the sign in 1-inch (25.4 mm) block lettering with ¹/₄-inch (6.4 mm) stroke.

1005.3.2.4.3 Sign details, upper terminus. The stairway’s upper terminus, such as ROOF ACCESS or NO ROOF ACCESS, shall be placed under the stairway location in 1-inch-high (25.4 mm) block lettering with ¹/₄-inch (6.4 mm) stroke.

1005.3.2.4.4 Sign details, floor level number. The floor level number shall be placed in the middle of the sign in 5-inch-high (127 mm) lettering with ³/₄-inch (19.1 mm) stroke. The mezzanine levels shall have a letter “M” preceding the floor number. Basement levels shall have the letter “B” preceding the floor number.

1005.3.2.4.5 Sign details, lower terminus. The lower terminus of the stairway shall be placed at the bottom of the sign in 1-inch-high (25.4 mm) block lettering with ¹/₄-inch (6.4 mm) stroke.

1005.3.2.4.6 Sign maintenance. Signs shall be maintained in an approved manner.

(16) **Appendix Section D103.6.3 Roads shall be distinguished** is added to read as follows: When fire apparatus access is required as stated in sections D103.6.1 and D106.2, access shall be indicated by both signs, as stated in section D103.6, and by red painted curbs.

(Ord. No. 90-16 Amended 05/09/1990; Ord. No. 91-32 Amended 01/01/1992; Ord. No. 95-17 Amended 04/07/1995; Ord. No. 00-22 Amended 04/17/2000; Ord. No. 02-22 Amended 04/02/2002; Ord. No. 03-74 Amended 11/18/2003)

16-6-104. FIRE/HAZARDOUS MATERIALS EMERGENCY EXPENSE RECOVERY.

(1) Recovery Authorization and Procedure.

This City is hereby empowered to recover expenses from any person or business whose intentional or negligent act caused the City and/or assisting agencies to incur any undue expenses directly associated with responding to an intentionally or negligently caused fire, rescue or hazardous materials emergency. These expenses shall be collected as follows:

- (a) The City shall determine responsibility for the emergency and notify the responsible party in person or by mail of the City's determination of responsibility and the expenses to be recovered.
- (b) The notice shall specify that the determined responsible party may appeal the City's determination, in writing, to the City Manager, who may designate a committee to hear the appeal as follows:
 - (i) The committee shall consist of one city council member, one business representative, and one citizen; and
 - (ii) The committee shall be chaired by a hearing officer who shall conduct the appeal process but who shall not participate in the recommendation.

- (c) Any appeal must be filed, in writing, with the City Manager not more than fifteen (15) days from the date the notice was received by the determined responsible party.
- (d) Following the hearing, the committee shall make a recommendation to the City Manager, who shall issue a final decision assessing responsibility and expenses.

(2) Payment Does Not Admit Liability.

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages.

(3) Action to Recover Expenses.

- (a) Subsequent to a final decision of the City Manager, pursuant to this Section, and upon certification of expenses by the Fire Chief to the City Manager, the City Manager may authorize the Finance Director to recover the expenses directly associated with responding to a fire/hazardous materials emergency from those persons determined by the City Manager to have directly or indirectly caused the emergency expenses.
- (b) In the event the person(s) determined to be responsible for the payment of intentional or negligently caused fire/hazardous materials emergency expenses fail(s) to make payment to the City and/or assisting agencies within thirty (30) days after a determination of any appeal to the City Manager, or thirty (30) days from the deadline for appeal in the event no appeal is filed, the City and/or assisting agency may initiate legal action to recover from the determined responsible person(s) the expenses determined to be owing, including the reasonable attorney's fees and costs of such recovery.

(Ord. No. 90-31 Enacted 07/30/1990; Ord. No. 91-32 Amended 01/01/1992; Ord. No. 93-15 Amended 03/19/1993; Ord. No. 02-22 Amended 04/02/2002)

16-6-105. GATES / FIRE ACCESS.

(1) Purpose. The purpose of this Section is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use of manual and automatic gates limiting vehicular access on property both private and public within the City.

(2) Gates Generally.

- (a) The cost of the gate, gate maintenance, and required equipment for proper operation are the sole responsibility of the owner.
- (b) All gates shall have an approach lane that is a minimum of 72 feet in depth as measured from the opening device to the sidewalk of the street which serves the entrance.
- (c) The approach lane, including the gates when open, shall have a clear width of 20 feet as

measured from edge of road to edge of road and a clear vertical height of 13 feet 6 inches.

- (d) Approach lanes shall be provided with a means to remove snow away from the back of the gate when the gate is in the open position.

(3) Automated Gate Operation.

- (a) Automated gates are gates that are provided with operating motors or an automatic opening device to open and close. Automated gates shall be equipped with the following:
 - (i) Fire department access Knox box or Knox switch to operate the gate.
 - (ii) An approved safety feature that will allow the gate to remain in an open position until the fire department returns the gate to normal operation. The gate, once activated to open, shall not close or shall be provided with a fail-safe device that will reopen when the gate meets with one pound of resistance for a period of four seconds while in a closing mode.
 - (iii) The operation of the gate and the above features shall be properly maintained by the property owner.

(4) Manual Gate.

- (a) Manual gates are gates without operating motors or an automatic opening device. Manual gates shall be equipped with the following:
 - (i) An approved fire department access Knox box with a key for the lock or Knox lock to open the gate. The Division of Fire Prevention shall determine which of the two items are acceptable in a particular situation.

(Ord. No. 01-23 Enacted 05/03/2001; Ord. No. 02-22 Amended 04/02/2002)

**CHAPTER 16-7
LIFE SAFETY CODE**

Sections:

- 16-7-101. Adoption of Life Safety Code.
16-7-102. Definition.
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16-7-101. ADOPTION OF LIFE SAFETY CODE.

(1) For the purpose of establishing minimum requirements that will provide a reasonable degree of safety from fire in certain buildings and structures, the 1985 edition of the Life Safety Code, as promulgated by the National Fire Protection Association is hereby adopted and shall apply only to the following occupancies:

- (a) Hospitals;
- (b) Nursing homes;
- (c) Convalescent homes;
- (d) Old aged homes;
- (e) Residential facilities for handicapped persons;
- (f) Nurseries;
- (g) Day care centers; and
- (h) Preschools.

The Life Safety Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling with the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the Life Safety Code have been filed for use and examination by the public in the City Recorder's Office prior to its adoption and, thereafter, at least one copy shall be in the City Recorder's Office at all times.

16-7-102. DEFINITION.

Whenever the words **Authority Having Jurisdiction** are used, they shall mean the Fire Prevention Division of the West Valley City Fire Department and the Building Division of the West Valley City Community Development Department. For purposes of making discretionary decisions authorized by the Life Safety Code, the Building Division shall make such decisions under the direction of the Fire Prevention Division.

**CHAPTER 16-8
APPEALS PROCEDURE AND ENFORCEMENT**

Sections:

- 16-8-100P Part 1—Appeals Procedure
- 16-8-101. Appeals Board.
- 16-8-102. Appointment of the Appeals Board.
- 16-8-103. Organization of the Appeals Board.
- 16-8-104. Powers of Appeals Board.
- 16-8-105. Appeals from the Appeals Board.
- 16-8-200P Part 2—Enforcement
- 16-8-201. Powers and Duties of the Building Inspection Division.
- 16-8-202. Powers and Duties of the Fire Inspector.
- 16-8-203. Penalties.
- 16-8-204. Enforcement.

16-8-100P PART 1—APPEALS PROCEDURE

(Ord. No. 99-37 Amended 07/07/1999)

16-8-101. APPEALS BOARD.

There shall be one Appeals Board for all of the Uniform Codes in this Title that make provisions for such a Board.

16-8-102. APPOINTMENT OF THE APPEALS BOARD.

(1) The City Manager may appoint a five-member Appeals Board. The terms of the members of the Board shall be on a case-by-case basis or for such terms as the City Manager shall designate.

(2) Any vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

16-8-103. ORGANIZATION OF THE APPEALS BOARD.

(1) The Appeals Board shall elect a chairman and vice-chairman from among themselves.

(2) The Appeals Board may adopt rules of policy and procedure for the governing of meetings, its members and the performance of its duties.

16-8-104. POWERS OF APPEALS BOARD.

The Appeals Board shall have only those powers expressly set forth in the Uniform Codes under which it is acting.

16-8-105. APPEALS FROM THE APPEALS BOARD.

Either the City or the other party may appeal any decision of the Appeals Board to the District Court. Such appeal shall be taken within 30 days of the rendering of a written decision by the Board.

16-8-200P PART 2—ENFORCEMENT

(Ord. No. 99-37 Added 07/07/1999)

16-8-201. POWERS AND DUTIES OF THE BUILDING INSPECTION DIVISION.

(1) The Building Inspection Division is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, or repair.

(2) The Building Inspection Division shall enforce all of the provisions of this Title with the exception of Chapter 16-6, employing all legal means available to do so. The Chief Building Official is also an enforcement official and may designate any other division employee as an enforcement official.

(3) Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the Uniform Codes; any applicable City or state codes; or any conditions imposed by the Planning Commission, Board of Adjustment, or the Planning and Zoning Division are being obeyed and to make any examinations and surveys as may be necessary in the performance of the employee's enforcement duties. This may include the taking of photographs, samples, or other physical evidence.

(4) All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the property owner or person responsible for the property refuses to allow the employee to enter the property, the employee may obtain and execute a search warrant. The Building Inspection Division may suspend or delay action on a building permit or other necessary approval if the person responsible for the property refuses to allow an inspection.

(Ord. No. 99-37 Enacted 07/07/1999)

16-8-202. POWERS AND DUTIES OF THE FIRE INSPECTOR.

(1) The Fire Prevention Division is hereby authorized to inspect or cause to be inspected all occupancies for life and fire safety purposes and buildings, structures, and property in the course of construction, modification or repair.

(2) The Fire Prevention Division shall enforce the provisions of Chapters 1-2-105, 16-6, 16-7, and 17-24 of this Code employing all legal means available to do so. The Fire Marshal shall be the Fire Department enforcement official. The Fire Marshal may designate any other Division employee as an enforcement official.

(3) Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the Uniform Fire Code or any applicable City or state codes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the Fire Marshal and/or Senior Fire Inspector's enforcement duties. This may include the taking of photographs, samples, or other physical evidence.

(4) All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the property owner or person responsible for the property refuses to allow entrance onto the property, the Fire Marshal and/or Senior Fire Inspector may obtain and execute a search

warrant. The Fire Marshal and/or Senior Fire Inspector may also suspend or delay action on a building permit or other necessary approval if the person responsible for the property refuses to allow an inspection.

(Ord. No. 99-37 Enacted 07/07/1999; Ord. No. 00-49 Amended 08/23/2000)

16-8-203. PENALTIES.

Unless otherwise provided herein or by state or federal law, a violation of this Title shall be a Class B misdemeanor. Each day that the violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such.

(Ord. No. 99-37 Enacted 07/07/1999)

16-8-204. ENFORCEMENT.

Unless otherwise provided, this Title may be enforced through the Administrative Code Enforcement Hearing Program established in Title 10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses, or to seek any civil remedy to enjoin, prevent, or abate the violation. The City may use any of the remedies available under the law in both civil litigation and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation on the same day, no civil fines shall be assessed, but all other remedies shall be available.

(Ord. No. 99-37 Enacted 07/07/1999)

CHAPTER 16-9 FIT PREMISES

Sections:

- 16-9-101. Short Title.
- 16-9-102. Exclusions from Application of Chapter.
- 16-9-103. Identification of Owner and Agents.
- 16-9-104. Property Owner to Deliver Possession of Dwelling Unit.
- 16-9-105. Property Owner to Maintain the Premises and Each Dwelling Unit.
- 16-9-106. Tenant to Maintain Dwelling Unit.
- 16-9-107. Rules and Regulations.
- 16-9-108. Access.
- 16-9-109. Property Owner and Tenant Remedies for Abuse of Access.
- 16-9-110. Failure to Deliver Possession.
- 16-9-111. Repair of Specified Failures.
- 16-9-112. Tenant Repair and Deduct.
- 16-9-113. Retaliatory Conduct Prohibited.

16-9-101. SHORT TITLE.

This Chapter shall be known as the "West Valley City Fit Premises" ordinance. This Chapter shall also be known as Chapter 9, Title 16 of the West Valley City Code. It may be cited and pleaded under either designation.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-102. EXCLUSIONS FROM APPLICATION OF CHAPTER.

The following arrangements are not governed by this Chapter:

- (1) Residence at a detention, medical, geriatric, educational, counseling, or religious institution;
- (2) Occupancy under a contract of sale of a dwelling unit if the occupant is the purchaser;
- (3) Occupancy by a member of a fraternal or social organization in a building operated for the benefit of the organization;
- (4) Transient occupancy in a hotel or motel (or lodgings subject to Utah Code Section 59-12-301, UCA), except that single room occupancy units ("SRO") shall be governed by this Chapter. SRO means an existing housing unit with one combined sleeping and living room of at least 70 square feet, but of not more than 220 square feet, where the usual tenancy or occupancy of the same unit by the same person or persons is for a period of longer than one week. Such units may include a kitchen and a private bath; and
- (5) Occupancy by an owner of a condominium unit.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-103. IDENTIFICATION OF OWNER AND AGENTS.

- (1) A property owner or any person authorized to enter into an oral or written rental agreement on the property owner's behalf shall disclose to the tenant, in writing, at or

before the commencement of the tenancy, the name, address, and telephone number of:

- (a) The owner or person authorized to manage the premises; and
 - (b) A local person authorized to act for and on behalf of the owner for the purpose of receiving notices and demands and performing the property owner's obligations under this Chapter and the rental agreement if the owner or manager resides outside of Salt Lake County.
- (2) A person who enters into a rental agreement and fails to comply with the requirements of this Section becomes an agent of the property owner for the purposes of:
- (a) Receipt of notices under this Chapter; and
 - (b) Performing the obligations of the property owner under this Chapter and under the rental agreement.
- (3) The information required to be furnished by this Section shall be kept current. This Section is enforceable against any successor property owner, owner, or manager.
- (4) Every rental property with more than one unit rented without a written agreement shall have a notice posted in a conspicuous place with the name, address, and telephone number of the owner or manager and local agent as required by subsection (1) of this Section.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-104. PROPERTY OWNER TO DELIVER POSSESSION OF DWELLING UNIT.

- (1) At the commencement of any rental of a unit, the property owner shall provide to the tenant:
 - (a) A written summary of this ordinance and an inventory of the condition of the premises and all appliances and furnishings. The City shall prepare and make available a written summary of this ordinance that fairly sets forth its material provisions.
 - (b) A copy of the lease or rental agreement and rules and regulations, if written.
 - (c) Any current notice by any utility provider to the property owner to terminate water, gas, electrical, or other utility service to the dwelling unit; the proposed date of termination; and any current uncorrected deficiency list or notice from any government entity.
- (2) By explicit written agreement, a property owner and a tenant may establish a procedure whereby the tenant notifies the property owner of needed repairs, makes those repairs, and deducts the cost of the repairs from the rent due and owing.
- (3) A property owner may allocate any duties to the tenant by explicit written agreement. Such agreement must be clear and specific and boxed, in bold type, or underlined.
- (4) If the property owner fails to deliver possession of the dwelling unit to the tenant as promised in the rental agreement, rent abates until possession is delivered, and the

tenant may terminate the rental agreement by written notice to the property owner and recover all prepaid rent and security deposits, as well as the greater of \$100 or actual damages, and reasonable attorney's fees.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-105. PROPERTY OWNER TO MAINTAIN THE PREMISES AND EACH DWELLING UNIT.

A property owner shall:

(1) Comply with the requirements of applicable building, housing, and health codes and City ordinances and not rent the premises unless they are safe, sanitary, and fit for human occupancy;

(2) Maintain the structural integrity of the building;

(3) Maintain floors in compliance with safe load-bearing requirements;

(4) Provide exits, emergency egress, light, and ventilation in compliance with applicable codes;

(5) Maintain stairways, porches, walkways, and fire escapes in sound condition;

(6) Provide smoke detectors and fire extinguishers as required by code;

(7) Provide operable sinks, toilets, tubs, and/or showers;

(8) Provide heating facilities as required by code;

(9) Provide kitchen facilities as required;

(10) Provide running water;

(11) Provide adequate hall and stairway lighting;

(12) Maintain floors, walls, and ceilings in good condition;

(13) Supply window screens where required by code;

(14) Maintain the foundation, masonry, chimneys, water heater, and furnace in good working condition;

(15) Prevent the accumulation of stagnant water;

(16) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances supplied by the property owner as required by applicable codes;

(17) Supply electricity and hot water at all times, and heat during at least the months of October through April and as weather conditions might otherwise reasonably warrant, except where the dwelling unit is so constructed that electricity, heat, or hot water is within the exclusive control of the tenant and supplied by a direct public utility connection;

(18) Assure that the premises are free of insects and rodents, and be responsible for pest control measures when necessary;

(19) Not interrupt or disconnect utility service;

(20) Provide adequate locks to exterior doors and furnish keys to tenants as required by applicable codes;

(21) Maintain the dwelling unit in a reasonably insulated and weather tight condition as required by the Building and Housing and Utah State Energy Conservation Codes;

(22) Provide for and protect each tenant's peaceful enjoyment of the premises;

(23) Insure that repairs, decorations, alterations, or improvements or exhibiting the dwelling unit shall not unreasonably interfere with the tenant's right to quiet enjoyment of the premises;

(24) Provide a mailbox;

(25) Provide separate meters for each tenant for gas and electricity or include charges for utility services in the rent; and

(26) Provide and maintain appropriate garbage receptacles and arrange for timely garbage removal as required by Code.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-106. TENANT TO MAINTAIN DWELLING UNIT.

A tenant shall:

(1) Comply with all appropriate requirements of the rental agreement and applicable provisions of building, housing, and health codes;

(2) Maintain the premises occupied in a clean and safe condition and not unreasonably burden any common area;

(3) Dispose of all garbage and other waste in a clean and safe manner;

(4) Maintain all plumbing fixtures in as sanitary a condition as the fixtures permit and avoid obstructing sinks, toilets, tubs, showers, and other plumbing drains;

(5) Use all electrical, plumbing, sanitary, heating, and other facilities and appliances in a reasonable manner;

(6) Not destroy, deface, damage, impair, or remove any part of the premises or knowingly permit any person to do so;

(7) Promptly inform the property owner of any defective conditions or problems at the premises;

(8) Not interfere with the peaceful enjoyment of the residential rental unit of another renter or adjacent property owner;

(9) Upon vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by the property owner;

(10) Be current on all payments required by the rental agreement and this Chapter;

(11) Not increase the number of occupants above that specified in the rental agreement without written permission of the owners;

(12) Not modify or paint the premises without the express written permission of the property owner/agent;

(13) Dispose of oil, car batteries, and other hazardous waste materials away from the rental premises and in a manner prescribed by federal and local laws; and

(14) Not require the owner to correct or remedy any condition caused by the renter, the renter's family, or the renter's guests or invitees by inappropriate use of the property during the rental term or any extension of it.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-107. RULES AND REGULATIONS.

A property owner may adopt rules or regulations concerning the tenant's use and occupancy of the premises, which become a part of the rental agreement, if they apply to all tenants in the premises in a nondiscriminatory manner; do not conflict with the lease, state law, or City ordinance; and are provided to the tenant before the tenant enters into the rental agreement. Rules, regulations, or lease terms can, by agreement between the parties, be more favorable to the tenant than allowed by state law or City ordinance, but cannot be more restrictive. Rules may be modified from time to time by the property owner. However, no rule adopted after the commencement of any rental agreement shall substantially modify the existing terms, conditions, or rules without written consent of the tenant.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-108. ACCESS.

(1) A tenant shall not unreasonably withhold consent to the property owner to enter into the dwelling unit in order to make necessary or agreed inspections, repairs, decorations, alterations, or improvements; or exhibit the dwelling unit to prospective purchasers, tenants, or work people.

(2) A property owner may enter the dwelling unit without consent of the tenant only in cases of emergency.

(3) Except in cases of emergency, the property owner shall give the tenant at least 24 hours notice of plans to enter, and may enter only between 8 a.m. and 8 p.m.

(4) A property owner has no other right of access except:

- (a) Pursuant to court order;
- (b) To make repairs requested by the tenant pursuant to Sections 16-9-111 and 16-9-112; or
- (c) If the tenant has abandoned the premises as defined in Section 78-36-12(3), UCA, or any successor provision.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-109. PROPERTY OWNER AND TENANT REMEDIES FOR ABUSE OF ACCESS.

(1) If the tenant refuses to allow lawful access, the property owner may obtain injunctive relief to compel access or may terminate the rental agreement and commence an eviction action. In either case, the property owner may recover actual damages and reasonable attorney's fees.

(2) If the property owner makes an unlawful entry or makes repeated demands for entry which harass the tenant, the tenant may obtain injunctive relief to prevent the recurrence of the conduct or terminate the rental agreement and vacate the premises. In either case, the tenant may recover the lesser of the actual damages or damages equal to one month's rent and reasonable attorney's fees.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-110. FAILURE TO DELIVER POSSESSION.

If the property owner fails to deliver possession of the dwelling unit to the tenant as promised in the rental agreement, rent abates until possession is delivered. Alternatively, the tenant may terminate the rental agreement by written notice of the property owner and recover all prepaid rent and security deposits and actual damages.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-111. REPAIR OF SPECIFIED FAILURES.

In the event of the failures specified below, the property owner shall take reasonable steps to begin repairing the failures, within the following specified time periods after receipt of written notice of the failure delivered to the person identified in Section 16-9-103(1)(b), and complete the repairs with reasonable diligence.

- (1) Inoperable toilet - 24 hours
- (2) Tub, shower, or kitchen and bathroom sink with inoperable drain or no hot or cold water - 48 hours
- (3) Inoperable refrigerator or cooking range or stove - 48 hours
- (4) Nonfunctioning heating (during a period where heat is reasonably necessary) or electrical system - 24 hours
- (5) Inoperable electric fixture - 72 hours
- (6) Broken exterior door or inoperable or missing exterior door lock - 48 hours
- (7) Broken window with missing glass - 96 hours
- (8) Inoperable exterior lighting - 96 hours
- (9) Broken stair or balustrade - 24 hours
- (10) Inoperable or missing smoke detector required by code - 24 hours
- (11) Inoperable required fire sprinkler system (if smoke detectors are not present or operating) - 24 hours
- (12) Inoperable required fire sprinkler system (if smoke detectors are installed and operable) - 96 hours
- (13) Broken or leaking water pipes causing an imminent threat to life, safety, or health - 24 hours
- (14) Other broken or leaking water pipes - 72 hours
- (15) Disconnection of electrical, water, or natural gas service caused by property owner - 24 hours

The tenant shall grant the property owner reasonable access to perform the repairs required in this Section.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-112. TENANT REPAIR AND DEDUCT.

If the property owner fails to begin making the repairs required by Section 16-9-111 within the specified times, and the tenant is current on all rent and other payments to the property owner, the tenant may cause the repairs to be made subject to the following provisions:

- (1) **Critical Repairs.** If the repairs involve an inoperable toilet; lack of heat during a period for which heat is required; broken or leaking water pipes posing an immediate threat to life, safety, or health; a complete lack of running water; or disconnected gas, electric, or water service, the tenant may, upon the expiration of the notice period

specified in Section 16-9-111, cause the necessary repairs to be made.

- (a) In making such repairs, the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.
- (b) If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two bids for the work, and, if bids are obtained, shall contract for the work to be done by the lowest bidder.

(2) **Noncritical Repairs.** If the required repairs are not critical repairs subject to the provisions of subsection (1) of this Section, the tenant, after the expiration of the notice time required by Section 16-9-111, shall give the property owner or property owner's agent identified in Section 16-9-103 a second written notice of intent to repair and deduct. This second notice shall be either delivered and served personally upon the property owner or agent or sent by both certified and regular mail.

- (a) The second notice shall state the nature of the problem, the date the tenant sent the first notice required by Section 16-9-111, and the intention of the tenant to cause the repairs to be done and to deduct the cost from the rent if the property owner does not make the repairs.
- (b) The property owner shall begin making the required repairs within 48 hours after the hand delivery of the second notice, or by the end of the second calendar day after the date of mailing of the second notice, and complete the repairs with reasonable diligence.
- (c) If the property owner has not begun the required repairs within the time specified in subsection (2)(b) of this Section, the tenant may cause the repairs to be made.
- (d) In making such repairs, the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.
- (e) If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two bids for the work, and, if bids are obtained, shall contract for the work with the low bidder.
- (f) If a licensed contractor is not required for the work, the tenant may do the work on his or her own, or contract for the work to be done at a reasonable cost.

(3) **Deductible Amount.** For any repairs made pursuant to this Section, the tenant may deduct from future rent the actual and reasonable cost of the repairs performed up to a maximum deduction of \$400 per repair; provided, however, the tenant shall furnish all original paid receipts to the property owner. The maximum deduction for any one month shall not exceed \$400, regardless of the number or cost of repairs.

(4) **Nontermination.** The property owner may not terminate the tenant's tenancy for the tenant's deduction of rent for repairs made pursuant to this Section, nor may the property owner terminate the tenancy until the tenant's costs for repairs made under this Section (not to exceed \$400 per repair) have been offset by deducted rent.

(5) **Tenant Caused Damages.** The repair and deduct provisions of this Section shall not be applicable to any damages caused or repairs necessitated by actions of the tenant or the tenant's invited guests or other occupants of the dwelling unit.

(Ord. No. 93-67 Enacted 02/01/1994)

16-9-113. RETALIATORY CONDUCT PROHIBITED.

(1) Except as provided in this Section and Section 57-22-4, UCA, a property owner may not terminate a rental agreement or bring or threaten to bring an eviction action because the tenant has in good faith:

- (a) Complained of code violations at the premises to a government agency, elected representative, or public official charged with responsibility for enforcement of a building, housing, health, or similar code;
- (b) Complained of a building, housing, health, or similar code violation or an illegal property owner practice to a community organization or the news media;
- (c) Sought the assistance of a community organization or the news media to remedy code violation or illegal property owner practice;
- (d) Requested that the property owner make repairs to the premises as required by this Chapter, a building or health code, other regulation, or the residential rental agreement.
- (e) Become a member of a tenant's union or similar organization;
- (f) Testified in any court or administrative proceeding concerning the condition of the premises; or
- (g) Exercised any right or remedy provided by law.

(2) If the property owner violates any provision of this Section, the tenant may recover the greater of one month's rent or actual damages, and reasonable attorney's fees.

(Ord. No. 93-67 Enacted 02/01/1994)

CHAPTER 16-10 UNIFORM HOUSING CODE

Sections:

- 16-10-101. Adoption of Uniform Housing Code.
16-10-102. Amendments to Uniform Housing Code.

16-10-101. ADOPTION OF UNIFORM HOUSING CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures within the City, the entire 1997 edition of the *Uniform Housing Code*, as formulated by the International Conference of Building Officials, is hereby adopted with such deletions, modifications, exceptions, and other amendments as set forth in Section 16-10-102 below. The *Uniform Housing Code, 1997 Edition*, as adopted above, is hereby fully incorporated as if set out herein in its entirety, with the amendments as set forth in Section 16-10-102; and, from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated 1953, as amended, three copies of the *Uniform Housing Code, 1997 Edition*, have been filed in the Office of the City Recorder for use and examination by the public prior to adoption of this Chapter, and thereafter, at least one copy shall remain in the Office of the City Recorder, for use and examination by the public.

(Ord. No. 97-52 Enacted 09/21/1997)

16-10-102. AMENDMENTS TO UNIFORM HOUSING CODE.

The *Uniform Housing Code, 1997 Edition*, is amended to read as follows:

(1) Section 203 is amended by the addition of subsection (c) as follows:

- (c) **Board.** The housing advisory and appeals board described in this code shall be the appeals board established in Chapter 16-8 of the West Valley City Municipal Code, "Appeals Procedure."

(2) Section 503(b) is amended to read as follows:

- (b) **Floor Area.** Dwelling units and congregate residences shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons 18 years of age or older or three persons under 18 years of age occupy a room used for sleeping purposes, the required floor area shall be increased at a rate of 50 square feet for each additional occupant.

EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(3) Section 1001(b), "Inadequate Sanitation," is amended by the addition of subsections 16 and 17 as follows:

16. Lack of window screens on all openable windows.
17. Lack of screens on all screen doors.

(4) Section 1001(h), "Faulty Weather Protection," is amended by the addition of subsection 5 as follows:

5. Double strength, clear glazing (or required tempered glazing) is missing from window frames.

(5) Section 1103(1) is amended as follows:

1. Any building declared a substandard building under this code shall be made to comply with one of the following:
 - A. The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or
 - B. The building shall be demolished [at the option of the building owner; or

(Ord. No. 97-52 Enacted 09/21/1997)

**CHAPTER 16-11
INTERNATIONAL RESIDENTIAL CODE**

Sections:

16-11-101. Adoption of International Residential Code.

16-11-102. Amendments to International Residential Code.

16-11-101. ADOPTION OF INTERNATIONAL RESIDENTIAL CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of single family dwellings, duplexes, townhouses and accessory buildings within the City, the entire 2003 edition of the International Residential Code as promulgated by the International Code Council, including any amendments that have been or may be made by the State of Utah through the Utah Uniform Building Codes Commission, is hereby adopted with such deletions, modifications, exceptions, and other amendments as set forth in Section 16-11-102. The International Residential Code, as adopted above, is hereby fully incorporated as if set out herein in its entirety, with the amendments as set forth in Section 16-11-102; and, from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the International Residential Code have been filed in the Office of the City Recorder for use and examination by the public.

(Ord. No. 02-13 Added 02/05/2002; Ord. No. 04-10 Amended 01/20/2004)

16-11-102. AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.

The International Residential Code is amended as follows:

(1) Section R102.7 is amended to read as follows (bold text indicates amendment to the current text of the International Residential Code in this paragraph):

R102.7 Existing Structures: The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as specifically covered in this Code, the International Property Maintenance Code, the Uniform Housing Code, the Uniform Code for Abatement of Dangerous Buildings, the West Valley City Fit Premise Ordinance, and the International Fire Code, or as is deemed necessary by the building official or the fire chief for the general safety and welfare of the occupants and the public.

(2) Pursuant to R108.5 of *the International Residential Code*, West Valley City's policy for refunds of permit fees is as follows:

- (a) The Chief Building Official may authorize refunding of any fee hereunder which was erroneously paid or collected.

- (b) The Chief Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit, for which a plan review fee has been paid, is withdrawn or canceled before any plan reviewing is done.
- (c) The chief building official shall not authorize refunding of any fee paid except upon receipt of a written application filed by the original permittee not later than 180 days after the date of fee payment.

(Ord. No. 02-13 Added 02/05/2002)

**CHAPTER 16-12
INTERNATIONAL FUEL GAS CODE**

Sections:

16-12-101. Adoption of International Fuel Gas Code.
.....

**16-12-101. ADOPTION OF INTERNATIONAL FUEL
GAS CODE.**

(1) For the purpose of providing minimum standards to safeguard the life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City, the entire 2003 edition of the International Fuel Gas Code, including any amendments that have been or may be made by the State of Utah through the Utah Uniform Building Codes Commission, is hereby adopted as promulgated by the International Code Council. The International Fuel Gas Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953, as amended, three copies of the International Fuel Gas Code have been filed for use and examination by the public in the City Recorder's Office.

**(Ord. No. 02-13 Added 02/05/2002; Ord. No. 04-07
Amended 01/20/2004)**

CHAPTER 16-13
INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

16-13-101. Adoption of International Energy Conservation Code.

16-13-101. ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE.

(1) For the purpose of providing minimum standards to safeguard the life or limb, health, property and public welfare by regulating and controlling the design of building envelopes to provide for adequate thermal resistance and minimal air leakage, and to regulate the selection of utility equipment for buildings within the City, the entire 2003 edition of the International Energy Conservation Code, including any amendments that have been or may be made by the State of Utah through the Utah Uniform Building Codes Commission, is hereby adopted as promulgated by the International Code Council. The International Energy Conservation Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953, as amended, three copies of the International Energy Conservation Code have been filed for use and examination by the public in the City Recorder's Office.

(Ord. No. 02-13 Added 02/05/2002; Ord. No. 04-08 Amended 01/20/2004)

**CHAPTER 16-14
INTERNATIONAL PROPERTY MAINTENANCE
CODE**

Sections:

16-14-101. Adoption of the International Property
Maintenance Code.

**16-14-101. ADOPTION OF THE INTERNATIONAL
PROPERTY MAINTENANCE CODE.**

(1) For the purpose of prescribing regulations governing building maintenance for the interior and exterior of structures, space requirements and maximum occupancy, and heating, plumbing, light and ventilation in buildings, the entire 2003 edition of the International Property Maintenance Code ("IPMC") is hereby adopted as recommended by the International Code Council.

(2) Pursuant to §10-3-711, Utah Code Annotated, 1953 as amended, three copies of the Code have been filed for use and examination by the public in the office of the City Recorder prior to the adoption of this Ordinance.

(Ord. No. 03-68 Added 11/04/2003)